

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KURT BENSHOOF, et al.,

Plaintiffs,

vs.

MOSHE ADMON, et al.

Defendants.

Case No. 2:23-cv-01392-JNW

DEFENDANT'S RESPONSE IN  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR EXTENSION OF TIME

**I. RELIEF REQUESTED**

Defendant Central Coop d/b/a Central Co-op requests that the Court deny Plaintiffs' Motion to Extend time to Answer Defendant's Motion to Dismiss.

**II. STATEMENT OF FACTS**

On May 23, 2024, Central Coop filed its motion to dismiss Plaintiffs' First Amended Complaint. Dkt. # 218. On June 10, 2024, Plaintiffs filed a motion for extension of time. Dkt. # 233. Plaintiffs' motion did not argue why there is good cause to justify an extension of time. Their cursory motion only states that there are 40 motions awaiting adjudication and claims Plaintiffs wish to file a second amended complaint. Dkt. # 233 at p. 2-3. Plaintiffs failed to otherwise argue that good cause justified an extension. Plaintiffs had been filing other motions after Central Coop filed its motion to dismiss, including a motion to disqualify Judge Whitehead. Dkt. # 231. To date,

1 Plaintiffs have not submitted their opposition.

### 2 III. AUTHORITY

3 Plaintiffs' need for an extension is due to self-created problems. They have brought claims  
4 against numerous defendants on tangentially related matters. The only commonality between many  
5 of the claims levied against the various Defendants is that they are all frivolous. Plaintiffs' First  
6 Amended Complaint ("FAC")—like the original Complaint—is nothing more than a vexatious  
7 attack on the medical and legal fields. Plaintiffs have inundated defendants and this Court with  
8 frivolous pleadings and motions. Rather than respond to Central Coop's motion in a timely fashion,  
9 Plaintiffs expended effort on another frivolous motion to disqualify the presiding judge. Dkt. #  
10 231. Moreover, their motion provides insufficient facts to warrant an extension.

11 Under LCR 7(j), "[a] motion for relief from a deadline should be filed sufficiently in  
12 advance of the deadline to allow the court to rule on the motion prior to the deadline." Parties  
13 should not assume that the motion will be granted and must comply with the existing deadlines  
14 unless the court orders otherwise." *Id.*

15 Under Federal Rule of Civil Procedure 6(b), a court may, in its discretion, extend deadlines  
16 for "good cause." *Bush v. Santoro*, No. 1:20-cv-00015-JLT-EPG (PC), 2024 U.S. Dist. LEXIS  
17 49472, at \*5 (E.D. Cal. Mar. 20, 2024). The good cause standard primarily considers the diligence  
18 of the party seeking the amendment. *United States v. Aaron*, No. 2:21-cv-00568-DGE, 2022 U.S.  
19 Dist. LEXIS 248222, at \*5 (W.D. Wash. June 13, 2022) (*quoting Johnson v. Mammoth*  
20 *Recreations*, 975 F.2d 604, 609 (9th Cir. 1992)). If a party fails to act diligently, good cause does  
21 not exist, and the inquiry ends. *Mammoth Recreations*, 975 F.2d at 609. The movant's conduct is  
22 the litmus test. Here, Plaintiffs' motion should be denied for three reasons.

23 First, Plaintiffs did not properly argue good cause in their bare-bones motion. In fact, while  
24 Plaintiffs reference the standard, their argument of harm to Plaintiffs and supposed lack of

1 prejudice suffered by Central Coop is more analogous to an argument for leave to amend under  
 2 Fed R. Civ. P. 15. Dkt. # 233 at p.1-5. The analysis for leave to amend under Rule 15(a) is not  
 3 coextensive with the good cause standard analysis found in Rule 6 or Rule 16(b). *See Mammoth*  
 4 *Recreations*, 975 F.2d at 609. They are different standards.

5 Second, Plaintiffs' reasons for seeking an extension do not give rise to good cause.  
 6 Plaintiffs state they will file a second amended complaint. Dkt. # 233 at p.2. They have not been  
 7 granted leave to do so and have not even filed a motion for leave to amend. *Id.* As a general matter,  
 8 pending motions (even dispositive motions) are not good cause for extending deadlines. *Taylor v.*  
 9 *Metro. Dev. Council*, No. C22-5509-JCC-SKV, 2022 U.S. Dist. LEXIS 152264, at \*3 (W.D.  
 10 Wash. Aug. 24, 2022). Here, no motion is even pending. Further, Plaintiffs' arguments of the  
 11 hardship stemming from 40 pending motions is also no reason to find good cause exists to extend  
 12 the deadline for Plaintiffs to file their opposition. Many of these motions have been filed and not  
 13 awaiting Plaintiffs' response, but rather a ruling.

14 Third, Plaintiffs' own carelessness is the cause of their delay. There are so many motions  
 15 pending before this Court because Plaintiffs have filed so many frivolous claims against numerous  
 16 parties for unrelated conduct. After Central Coop filed its motion to dismiss, Plaintiffs decided it  
 17 was more important to work on other motions, including a motion to disqualify the presiding judge.  
 18 Dkt. # 231. This motion was filed on June 7, 2024, three days before they filed their motion for  
 19 extension of time. This was careless planning. Carelessness is not compatible with a finding of  
 20 good cause. *Mammoth Recreations*, 975 F.2d at 609. If Plaintiffs are overburdened, it a problem  
 21 of their own making. For the above reasons, this Court should deny Plaintiffs' motion.

#### 22 IV. CONCLUSION

23 Plaintiffs did not argue or establish good cause in their motion. Moreover, the reasons for  
 24 Plaintiffs needing an extension were their own fault. For these reasons, their motions should be

1 denied.

2 Dated this 19 day of June 2024.

3 Respectfully submitted,

4 SEBRIS BUSTO JAMES

5 s/Darren A. Feider

6 Darren A. Feider, WSBA #22430  
7 Matthew Coughlan, WSBA #56583  
8 15375 SE 30th Pl., Suite 310  
9 Bellevue, Washington 98007  
10 (425) 454-4233  
11 dfeider@sbj.law  
12 mcoughlan@sbj.law

13 Attorneys for Defendant Central Coop  
14  
15  
16  
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18  
19  
20  
21  
22  
23  
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**CERTIFICATE OF SERVICE**

I, Darren A. Feider, certify under penalty of perjury under the laws of the State of Washington that, on June 19, 2024, I caused to be served the attached document to the individuals listed below in the manner shown next to their names:

*Plaintiff Kurt Benshoof:*

1716 N 128<sup>th</sup> St  
Seattle, Washington 98133  
Phone: (206) 460-4202  
Email: kurtbenshoof@gmail.com

- ☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger  
☐ By Electronic Mail  
☒ By E-service

*Plaintiff Briana D. Gage:*

1716 N 128<sup>th</sup> St  
Seattle, Washington 98133  
Phone: (332) 260-7171  
Email: brianagage702@gmail.com

- ☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger  
☐ By Electronic Mail  
☒ By E-service

*Attorneys for Defendants City of Seattle, Jenny Durkin, Matthew Lentz, Katrina Outland, David Sullivan, Jordan Wallace, Gabriel Ladd, Faye Chess, Anita Crawford-Willis, Adam Eisenberg, and Jerome Roache:*

Seattle City Attorney's Office  
Dallas LaPierre, WSBA #47391  
Catherine Riedo, WSBA #50418  
701 Fifth Avenue, Suite 2050  
Seattle, Washington 98104  
Phone: (206) 684-8200  
Email: dallas.lepierre@seattle.gov  
Email: catherine.riedo@seattle.gov

- ☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger  
☐ By Electronic Mail  
☒ By E-service

*Attorneys for Defendant Nathan Cliber:*

Gordon Rees Scully Mansukhani LLP  
Michael C. Tracy  
Sarah N. Turner  
701 Fifth Avenue, Suite 3200

- ☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger

Seattle, Washington 98104  
 Phone: 206-965-5100  
 Email: mtracy@grsm.com  
 Email: sturner@grsm.com

☐ By Electronic Mail  
☒ By E-service

Defendant Amy Franklin-Bihary:

701 Fifth Avenue, Suite 4550  
 Seattle, Washington 98104  
 Phone: (206) 624-4900  
 Email afb@weschlebercker.com

☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger  
☐ By Electronic Mail  
☒ By E-service

Attorneys for Defendant Big 5 Sporting Goods:

Miller Nash LLP  
 James Yand, WSBA No. 18730  
 James Johnson, WSBA No. 45750  
 605 5<sup>th</sup> Avenue S, Suite 900  
 Seattle, Washington 98104  
 Phone: 206-624-8300  
 Email: james.yand@millernash.com  
 Email: james.johnson@millernash.com

☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger  
☐ By Electronic Mail  
☒ By E-service

Attorneys for Defendant King County and Judge  
 David Keenan:

Peggy Wu, WSBA No. 35941  
 Senior Deputy Prosecuting Attorney  
 701 5<sup>th</sup> Avenue, Suite 600  
 Seattle, Washington 98104  
 Phone: 206-624-8300  
 Email: pwu@kingcounty.gov

☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger  
☐ By Electronic Mail  
☒ By E-service

s/ Darren A. Feider  
 Darren A. Feider